

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

In the Matter of the License of:)
YVONNE TITUS,) Case No. REA-2008-39
License No. CRA-1186,)
Respondent.) **STIPULATION AND**
) **CONSENT ORDER**

WHEREAS, information has been received by the Idaho State Board of Real Estate Appraisers (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Yvonne Titus ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates the practice of real estate appraising in the State of Idaho in accordance with title 54, chapter 41, Idaho Code.

A.2. The Board has issued License No. CRA-1186 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 41, Idaho Code and the Board's rules at IDAPA 24.18.01, *et seq.*

A.3. Appraisals in the State of Idaho must comply with the minimum standards set forth in the Uniform Standards of Professional Appraisal Practices ("USPAP").

Count One

A.4. On or about March 28, 2007, Respondent prepared an appraisal report for the property located at 1371 W. Heron Avenue in Hayden, Idaho ("Subject Property #1").

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A.5. Respondent's appraisal report and work file for Subject Property #1 failed to meet the following requirements of applicable USPAP Standards (2006)¹:

a. Ethics Rule, Recordkeeping: Respondent failed to keep adequate documentation in the work file to support the opinions and conclusions within the body of the report.

b. Standard Rules 1-1(a), (b) and (c): The comparables used were the product of inadequate research. The reliability of the adjustment grid and of the entire Sales Comparison Approach was impaired by the inadequate selection of comparables. Some Sales Comparison Comments were inaccurate. The Sales Comparison Approach contained errors that significantly affected the appraisal's credibility because of Respondent's limited research.

c. Standards Rule 1-2(h): The data research and analyses were not sufficient to develop credible results.

d. Standard Rule 1-3(a): The analysis of area market trends was inadequate.

e. Standard Rule 1-4(a): The report ignored substantial sales data available within the subject's subdivision.

Count Two

A.6. On or about October 31, 2005, Respondent prepared an appraisal report for the property located at 213 Main in Wardner, Idaho ("Subject Property #2").

A.7. Respondent's appraisal report and work file for Subject Property #2 failed to meet the following requirements of applicable USPAP Standards (2005):

a. Ethics Rule, Recordkeeping: Respondent failed to keep adequate documentation in the work file to support the opinion and conclusions within the body of the report.

¹ On March 28, 2007, the Board's adoption of the 2006 edition of USPAP was in effect. See IDAPA 24.18.01.004 (2006) (effective 4/11/06).

b. Standard Rules 1-1(a), (b) and (c): The report used increasing property values but offered no support for the housing trend. Single-family housing price ranges were substantially misstated by Respondent's choice of neighborhood boundaries. The flood map was incorrect. The report confused the stone portion of the foundation with the exterior wall covering. The condition comments should have explained why the report reduced the subject property's effective age by 55 years. The lack of appliances was atypical, and there should have been a comment as to its effect on the marketability or value. The reliability of the adjustment grid and of the Sales Comparison Approach was impaired by reporting the comparables' features and differences between the subject and the comparables inconsistently with MLS data. The Sales Comparison Comments were at times inaccurate.

c. Standards Rules 1-2(c)(ii) and (f): The property rights were not identified.

d. Standard Rule 1-3(a): The analysis of area market trends was inadequate.

e. Standard Rule 1-5: Respondent reported the prior sale of the subject; however, there was no apparent analysis of the sale in relation to the subject's estimated value as of the effective date of the report.

A.8. The allegations of Paragraphs A.4 through A.7, if proven, would violate the laws and rules governing the practice of real estate appraising, specifically Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700. Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to practice real estate appraising in the State of Idaho.

B. Waiver of Procedural Rights

I, Yvonne Titus, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.4 through A.7. I further understand that these

allegations constitute cause for disciplinary action upon my license to practice real estate appraising in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraising in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. Respondent shall pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars (\$1,000.00) within six (6) months of the entry of the Board's Order.

C.2. Respondent shall pay investigative costs and attorney fees in the amount of Three Thousand Three Hundred Thirty-Eight and No/100 Dollars (\$3,338.00) within six (6) months of the entry of the Board's Order.

C.3. Within nine (9) months of the date of entry of the Board's Order, Respondent shall obtain the following continuing education from Board-approved providers:

- a. A 15-classroom-hour² National USPAP course; **and**

² Classroom hours as used in this Stipulation and Consent Order and in the Rules of the Real Estate Appraiser's Board, IDAPA 24.18.01.000 *et seq.*, includes instruction in which:

(a) the appraiser taking the class and the instructor are physically present in the same location at the same time (traditional classroom hours), or

(b) the appraiser taking the class and the instructor are connected at the same time through videoconferencing or a similar technology, the appraiser taking the class is present in the same location with other appraisers taking the class, and the facilities are set up for interactive two-way communication between the instructor and the appraisers taking the class that allows questions to be posed by appraisers

b. A 30-classroom-hour Residential Sales Comparison and Income Approaches course.

Respondent shall submit proof of attendance to the Board within 30 days of attendance of each continuing education course. This continuing education shall be in addition to any continuing education Respondent is required to obtain to maintain her license.

C.4. Respondent's License No. CRA-1186 shall be placed on probation for a period of one (1) year. The conditions of probation are as follows:

a. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of real estate appraising in the State of Idaho.

b. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

c. If Respondent leaves Idaho for three (3) continuous months, or resides or practices outside of the state, Respondent must notify the Board in writing of the dates of departure, address of intended residence or place of business, and whether Respondent intends to return. Periods of time spent outside Idaho will not apply to satisfy this probationary period or excuse compliance with the terms of this Stipulation.

d. Respondent shall fully cooperate with the Board and its agents, and shall make all relevant files, records, correspondence or other documents available immediately upon the demand of any member of the Board and its agents.

C.5. At the conclusion of the one-year probationary period and provided Respondent has complied with all other terms of this Stipulation, Respondent may request from the Board termination of the conditions of probation. Any request for termination of probation must be accompanied by written proof of compliance with the terms of this Stipulation.

taking the class and answered by the instructor during the class (interactive distance learning classroom hours).

Classroom hours do not include on-line courses in which the appraiser taking the class is at a remote location from the other appraisers taking the class or in which the appraiser taking the class is not able to pose questions to the instructor and receive answers in real time.

C.6. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.7. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and

Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

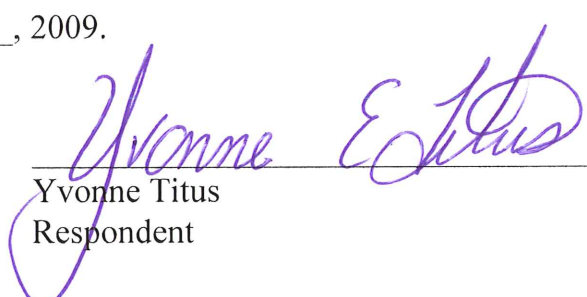
E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If

the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 3 day of March, 2009.


Yvonne Titus
Respondent

Approved as to form.

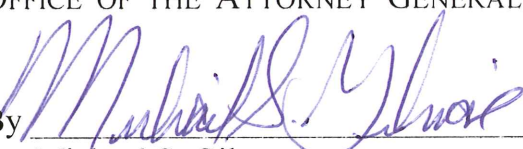
DATED this 9 day of March, 2009.


LaDawn Marsters
Attorney for Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 12th day of March, 2009.

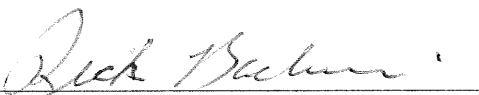
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Michael S. Gilmore
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4106(2)(h), the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 13th day of April, 2009. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF REAL ESTATE APPRAISERS

By 
Rick Bachmeier, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Yvonne Titus
12536 N. Kensington Avenue
Hayden, ID 83835

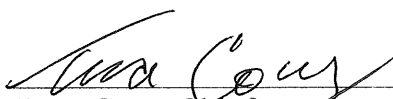
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

LaDawn Marsters
Attorney at Law
2075 N. 13th Street
Boise, ID 83702

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Michael S. Gilmore
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
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- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Tana Cory, Chief
Bureau of Occupational Licenses